

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**CAYUGA MEDICAL CENTER
AT ITHACA, INC.**

and

**1199 SEIU UNITED HEALTHCARE
WORKERS EAST**

**Cases 03-CA-156375
03-CA-159354
03-CA-162848
03-CA-165167
03-CA-167194**

**GENERAL COUNSEL’S CROSS-EXCEPTIONS TO THE
DECISION OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to Section 102.46(e) of the Board’s Rules and Regulations, Counsel for the General Counsel hereby submits these Cross-Exceptions to the Decision of the Administrative Law Judge David I. Goldman (ALJ) dated October 28, 2016, in the above-captioned cases.

EXCEPTION 1:

The ALJ’s dismissal of the allegation that Respondent violated Section 8(a)(1) of the Act by maintaining the following unlawful rule: “Respects confidentiality and privacy at all times, including coworkers, adhering to the Social Networking Policy.” (ALJD at 5:29-43; ALJD 6:1-20).¹

EXCEPTION 2:

The ALJ’s dismissal of the allegation that Respondent violated Section 8(a)(1) of the Act by maintaining the following unlawful rule: “interacts with others in a considerate, patient, and courteous manner.” (ALJD at 6:27-30; ALJD at 7:1-30).

¹ Throughout these Cross-Exceptions, the following reference will be used: ALDJ at ____:____ for the Administrative Law Judge’s Decision at page(s):line(s).

EXCEPTION 3:

The ALJ's dismissal of the allegation that Respondent violated Section 8(a)(1) of the Act by maintaining the following unlawful rule: "is honest, truthful, and respectful at all times." (ALJD at 6:35; ALJD at 7:1-30).

EXCEPTION 4:

The ALJ declined to find that Respondent violated Section 8(a)(1), independent of its Section 8(a)(3) violations, for employee Anne Marshall's verbal warning, demotion, and poor performance evaluation based on Respondent's unlawful rules. (ALJD at 1:14-15; ALJD at 57:fn. 52; ALJD at 64:fn. 57; ALJD at 69:38-39).

EXCEPTION 5:

The ALJ declined to find that Respondent violated Section 8(a)(1) of the Act, by issuing Anne Marshall a verbal warning, demoting her and issuing her an unfavorable performance evaluation for her protected concerted activity. (ALJD at 1:14-15; ALJD at 57:fn 52).

EXCEPTION 6:

The ALJ's failure to order a notice reading remedy, despite the serious and pervasive nature of Respondent's unfair labor practices. (ALJD at 1:23-26; ALJD at 72:fn. 60).

DATED at Buffalo, New York this 9th day of December, 2016.

Respectfully submitted,

/s/ Jessica L. Noto

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